

City of Killeen
Regular City Council Meeting
Killeen City Hall
November 26, 2013 at 5:00 p.m.

Presiding: Mayor Daniel A. Corbin

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark, Jared Foster, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

Also attending were City Manager Glenn Morrison, Deputy City Attorney Traci Briggs, City Secretary Dianna Barker, and Sergeant-at-Arms Eric Bradley.

Councilmember Segarra gave the invocation, and Councilmember Gilmore led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Blackstone to approve the agenda pulling CA-5 for separate consideration. Motion seconded by Councilmember Gilmore. The motion carried unanimously.

Presentations

- PR-1 Presentation - Bell County Child Safety Check
County Judge Jon Burrows, Bell County Tax Assessor Collector Sharon Long and Commissioner John Fisher presented to the Council a check in the amount of \$151,415.48, 2013 County Vehicle Registration Fee for Child Safety. This fee is collected by the tax office on vehicle registrations made by Killeen citizens. The money is turned over to the city and must be used on school crossing or child safety programs. Total collected since beginning, \$1,494,349.73.
- PR-2 Presentation – Celebrate Killeen Holiday Activities
Mr. Goodnight, Chair of Killeen Volunteers, Inc. announced upcoming activities planned for the holiday season. These events are free to the public.

Consent Agenda

- CA-1 Consider minutes of Regular City Council Meeting of November 12, 2013.
- CA-2 Consider a memorandum/resolution authorizing the use of a request for proposal (RFP) to select the security system upgrade at Killeen-Fort Hood Regional Airport.
Staff comments: Matthew Van Valkenburgh - Staff recommends that the City Council find that a competitive request for proposals method will provide the best value for the City and, further, authorize staff to utilize the Request for Proposals (RFP) procurement method to identify and select the best-value system from a qualified vendor for the Security System upgrades at the Killeen-Fort Hood Regional Airport.

- CA-3 Consider a memorandum/resolution authorizing the Texas Department of Transportation-Aviation Division to act as the Airport Agent for the administration of the Skylark Field Airport Master Plan.
Staff comments: Matthew Van Valkenburgh - Airport master planning is eligible for FAA entitlement funding administered through the Texas Department of Transportation - Aviation Division (TxDOT-AD). Skylark Field, through fiscal year 2014, has accumulated approximately \$300,000 in entitlement funds that can be applied toward this project. The proposed AMP will be funded through an FAA AIP grant.
- CA-4 Consider a memorandum/resolution authorizing Change Order No. 3 to the US 190/FM 2410/Rosewood Drive project with James Construction Group, LLC.
Staff comments: Scott Osburn - Change Order No. 3 provides for the installation of a temporary shoring wall to adapt to the progressive construction between the temporary travel lanes on US 190 and the dirt fill for the new overpass. The total cost of the change is a net increase of \$72,687.60 for a total contract price of \$22,060,549.80. Staff recommends that the City Council authorize the Change Order No. 3 with James Construction Group, LLC increasing the cost of the contract by \$72,687.60 and request that the City Manager be expressly authorized to execute any and all change orders within the amounts set by state and local law.
- CA-6 Consider a memorandum/resolution awarding Bid No. 13-37 - Wisconsin Street Culvert Replacement Minor CIP to K & S Backhoe Services, Inc.
Staff comments: Scott Osburn - This project will replace the culverts under Wisconsin Street between Avenue C and Adams Avenue and replace the concrete floor of the downstream channel. The invitation to bid for the construction of the Wisconsin Street Culvert Replacement Project was advertised on September 22, 2013, and again on September 29, 2013. A non-mandatory pre-bid meeting was held on October 9, 2013. On October 16, 2013, bids were received by the City of Killeen and publicly opened and read aloud. The apparent low bidder is K&S Backhoe Services, Inc. with a bid amount of \$70,346.67. Staff recommends the award of contract to K&S Backhoe in the amount of \$70,346.67. Final completion of all work is projected to be achieved within 150 consecutive calendar days from the issuance of a notice to proceed.
- CA-7 Consider a memorandum/resolution authorizing the award of a professional services agreement with Kasberg, Patrick & Associates LP to design the 12-inch Trimmier Road Water Line Project.
Staff comments: Scott Osburn - The 2012 Water and Wastewater Master Plan includes the extension of a 12-inch water line along Trimmier Road between Stagecoach Road and Chaparral Road (Project 8W). This extension is necessary to support future growth and development in the south central part of the City. This area was identified in the 2012 Master Plan as having low pressures during peak hour demands and low fire flow availability. With the completion of this project, the area was shown in the 2012 Master Plan to have increased pressures and favorable fire flow availability. Kasberg, Patrick & Associates (KPA) is on the City's prequalified list for engineering services and has extensive experience with the design of water lines. Their proposal includes: a final design, bidding documents, and construction administration services necessary for the construction of this project. After negotiating a fair and reasonable price for KPA's engineering service, staff recommends approval of their proposal to design the 12-inch Trimmier Road Water Line Project for a total amount of \$91,700.00.

- CA-8 Consider a memorandum/resolution awarding Bid No. 13-32 - Septic Tank Elimination Program Phase VIII Project to K & S Backhoe Services, Inc.
Staff comments: Scott Osburn - On Wednesday, October 30, 2013, bids were opened and read aloud for the construction portion of the STEP Phase VIII Project. The Wallace Group, Inc. and staff recommend that the contract be awarded to K & S Backhoe Services, Inc., in the amount of \$560,987.20. Based upon the STEP agreement, each property owner who agrees to participate in the STEP Phase VIII will pay the City of Killeen a lump sum of \$735.39 or 24 monthly installments of \$30.64, which represents 1/2 of the line item cost to abandon their existing septic tank and install a service line to their residence.
Staff recommends that the City Council authorize the City Manager to enter into a contract with K & S Backhoe Services, Inc. in the amount of \$560,987.20 to construct the Septic Tank Elimination Program Phase VIII Project. Staff also recommends that the City Manager be expressly authorized to execute any and all change orders within the amounts set by state and local law.
- CA-9 Consider a memorandum/resolution awarding Bid No. 14-02 for the lease of seventy-two (72) golf carts for Stonetree Golf Course.
Staff comments: Brad Baine - This lease will expire in January 2014 necessitating the return of the golf carts. In order to replace this equipment and to address current needs, City staff has initiated a competitive bid process (14-02) and received proposals for the replacement equipment. The staff recommends going with the lowest bid (Yamaha Golf Car Company). Staff recommends that City Council approve the lease of 72 golf carts over the next 3 years and 10 months, to Yamaha Golf Car Company and the City Manager is expressly authorized to execute any and all change orders within the amounts set by state and local law.
- CA-10 Consider a memorandum/resolution rescheduling the City Council meeting of December 24, 2013.
Staff comments: Glenn Morrison - The fourth Tuesday of December falls on the Christmas Eve holiday. Recommend that the second regular City Council meeting of December be held on December 17, 2013.
- CA-11 Consider a memorandum/resolution authorizing the City Manager to collaborate with 5, an energy advisory and brokerage firm, in order to procure energy services and give the City Manager the authority to enter into a contract with an energy provider.
Staff comments: Glenn Morrison - The city staff has been in conversation with 5, an energy advisory and brokerage firm that will assist the City with managing its exposure to future electricity prices during the FY '16 through FY '19 timeframe. As the City's energy advisor, 5 would assist and advise the City in all aspects of how energy is procured and consumed. 5 monitors the electricity market and recommends the best combination of energy provider, market timing, product, term, price and contract terms. City staff is requesting the Council to grant the City Manager the authority to review proposals from 5 and act on them. The contract for the energy provider that is selected and executed would then be brought forward to Council for ratification.

CONSIDERED SEPARATELY

CA-5 Consider a memorandum/resolution authorizing the City Manager to execute an Interlocal automatic aid agreement with the Southwest Bell County Volunteer Fire Department.

Staff comments: Fire Chief Gardner - This agreement allows the fire department to provide the needed services and will allow the City of Killeen to complete the planning and building process to allow for the placement of Killeen fire stations in the correct locations in the annexed areas. This change to the Interlocal Automatic Aid Agreement would add the area from Stagecoach Road to Chaparral Road, from HWY 195 to West Trimmier Road to the response area to Southwest Bell County Volunteer Fire Department's response area thereby removing the split ISO rating from the Splawn Ranch area. Staff recommends that the City Council give their approval for the City Manager to sign the amended/updated Interlocal Automatic Aid Agreement with the Southwest Bell County Volunteer Fire Department.

Motion was made by Mayor Pro-Tem Blackstone to approve CA-8. Motion was seconded by Councilmember Okray; motion carried 6 to 0 with Councilmember Clark abstaining.

Motion was made by Mayor Pro-Tem Blackstone to approve CA-1 thru 4, CA-6, CA-7, and CA-9 thru 11. Motion was seconded by Councilmember Segarra; motion carried unanimously.

Motion was made by Mayor Pro-Tem Blackstone to approve CA-5. Motion was seconded by Councilmember Clark. Motion carried 6 to 1 with Councilmember Harris opposing.

Statement for record: Councilmember Okray has reservations regarding area coverage retained by Bell County Fire Department.

Councilmember Harris strongly disagrees with free aid to new area and believes a pre-contractual fee should be put in place prior to signing agreement.

Public Hearings / Ordinances

PH-1 **HOLD** a public hearing and consider an ordinance requested by Y & J Investment, L.P. (Case #Z13-37) to rezone part of Lot 1, Block 1, Y & J Addition, from B-5 (Business District) to RC-1 (Restaurant and Alcohol Sales District) for a sports bar and restaurant. The property is locally known as 1103 W. Veterans Memorial Boulevard, Suite #101, Killeen, Texas.

City Secretary read the caption of the ordinance.

Staff comments: Ray Shanaa - This request is in compliance with the City's Comprehensive Plan. There are no schools, churches or hospitals within 300 feet of the property. Surrounding property owners were notified and no responses have been received. P&Z recommends approval, limited to suite 101, by a vote of 8 to 0.

Mayor Corbin opened the public hearing.

Steve Powell, owner of sports bar, 1103 N. 18th Street, Killeen - Stated the sports bar will be a non-smoking bar and thanked the Council for the opportunity.

With no one else appearing, the public hearing was closed.

Motion was made by Councilmember Clark to approve PH-1. Motion was seconded by Councilmember Harris; motion carried unanimously.

- PH-2 A. **HOLD** a public hearing and consider an ordinance request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Commercial' to 'General Residential' for approximately 9.09 acres. The property is located along the east right-of-way of Chisholm Trail, approximately 300 feet north of E. Elms Road, Killeen, Texas.

City Secretary read the caption of the ordinance.

Staff comments: Ray Shanaa - The Comprehensive Plan calls for a wide range of commercial retail and service uses at varying scales and intensities depending on the site. The proposed change will result in a 'General Residential' designation on the Future Land Use Map (FLUM) of the Comprehensive Plan. This designation calls for detached residential dwellings; attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes); planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards; public/institutional; parks and public spaces. The Planning and Zoning Commission recommends approval of amending the FLUM from 'General Commercial' to 'General Residential' for this area with a vote of 8 to 0.

Mayor Corbin opened the public hearing.

Bob Mitchell, 102 N. College Street, Killeen - spoke in favor of recommendation.
With no one else appearing, the public hearing was closed.

Motion was made by Councilmember Segarra to approve PH-2A. Motion was seconded by Councilmember Gilmore; motion carried unanimously.

- B. **HOLD** a public hearing and consider an ordinance requested by Lifeway Fellowship (Case #Z13-40) to rezone part of Lot 1, Block 1, Lifeway Fellowship Addition, from B-4 (Business District) to R-2 (Two-Family Residential District).

City Secretary read the caption of the ordinance.

Staff comments: Ray Shanaa - This request is to for prospective duplex development. The planning staff notified twenty nine (29) property owners within 200 feet of the subject property, the required notification area. As of the date of this report, staff has received opposition from Hortense Callender, Robert Martienez and Calvin Rebel. These protests have been included in your packet for your consideration. The Planning and Zoning Commission voted to recommend approval of the applicant's request unanimously. It was the Commission's determination that the R-2 zoning request is consistent with the existing residential properties in the area, so the subject property is suitable for two-family development.

Mayor Corbin opened the public hearing.

Bob Mitchell, 102 N. College Street, Killeen – spoke in favor of the change. Property owner is looking to put 18 to 20 duplexes on property.
With no one else appearing, the public hearing was closed.

Motion was made by Councilmember Gilmore to approve PH-2B. Motion was seconded by Councilmember Segarra; motion carried unanimously.

- PH-3 **HOLD** a public hearing and consider an ordinance requested by JYKM Splawn Ranch L.L.C. (Case #Z13-41) to rezone a portion of a 4-acre site from Cemetery District (CD) to CD with a CUP (Conditional Use Permit) for a prospective retail liquor store. The property is located on the northeast corner of Splawn Ranch Drive and S. Fort Hood Street (S.H. 195), Killeen, Texas.

City Secretary read the caption of the ordinance.

Staff comments: Ray Shanaa - The property owner is looking to rezone to put in a liquor store. There are no churches, schools or hospitals within 300 feet of the property. P&Z recommend approval by a vote of 5 to 3 with two conditions; business can occupy no more than 2000 square feet and no drive thru. Staff recommends approval.

Councilmember Foster stated his wish to protect the cemetery district. Councilmember Clark stated that protecting the cemetery overlay district is important and wishes to protect the serenity and reverence of the location.

Mayor Corbin opened the public hearing.

Kevin Newsom, 4400 College Rd., Bryan – spoke in favor of rezoning.
With no one else appearing, the public hearing was closed.

Motion was made by Councilmember Okray to disapprove PH-3. Motion was seconded by Councilmember Harris; motion carried 5 to 2 with Councilmember Segarra and Councilmember Gilmore opposing.

- PH-4 **HOLD** a public hearing and consider an ordinance amending the FY 2013-14 Annual Budget and Plan of Municipal Services of the City of Killeen to authorize the carry forward of FY 2012-13 funds to the FY 2013-14 budget and amending various capital improvement project funds.

City Secretary read the caption of the ordinance.

Staff comments: Martie Simpson – This budget amendment is two parts, encumbrances and capital improvement projects. This is a process that is done every year.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

Motion was made by Councilmember Okray to approve PH-4. Motion was seconded by Councilmember Segarra; motion carried unanimously.

Ordinances / Resolutions

- OR-1 Consider an ordinance granting an application for renewal of taxicab franchise to Express Cab.
(1st of 3 readings)

City Secretary read the caption of the ordinance.

Staff comments: Traci Briggs – briefly explained the process for renewing taxicab franchises. Ordinance allows operation of the service for five years with annual taxicab inspections.

Motion was made by Mayor Pro-Tem Blackstone to approve OR-1 pending two more readings. Motion was seconded by Councilmember Okray; motion carried unanimously.

- OR-2 Consider a memorandum/resolution appointing members of the Killeen Volunteers, Inc. – Youth Advisory Commission.

Staff comments: Will Brewster – requested Council appoint remaining vacancies. Mayor Corbin listed the names of those to be appointed: JoaQuin Chaco, Madison Henry, Adrian Manning, Morgan Osburne, and Bryan Whiteside.

Motion was made by Councilmember Clark to approve the appointment of the five names stated to the Youth Advisory Commission. Motion was seconded by Councilmember Segarra; motion carried unanimously.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Mayor Pro-Tem Blackstone and unanimously approved, the meeting was adjourned at 5:55 p.m.

Daniel A. Corbin, Mayor

Dianna Barker, City Secretary